

DW

503.43626X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: TAZOE et al
Serial No.: 10/796,025
Filed: March 10, 2004
For: Automatic Urine Disposal Device And
Urine Receptacle Used Therefor
Art Unit: 3761
Examiner: Evans, C.

RESPONSE

Mail Stop: Amendment (No Fee)
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 7, 2005

Sir:

This is in response to Office Action mailed September 7, 2005, in connection with the above-identified application.

In response to the election of species requirement in the outstanding Office Action, Applicants hereby elect the species identified by the Examiner as species I, i.e., the embodiment shown in Figure 1. Claims 1-4, 7, 8 and 10-12 are readable on the elected species. Claims 1-4, 7, 8 and 10-12 are also generic to species I-III identified by the Examiner. However, Applicants traverse the election of species requirement as being incomplete for the following reasons.

While the Examiner has identified three species, including the embodiments of Figures 1, 7 and 8, the Examiner has not included the embodiment shown in Figures 11 and 12. Therefore, the election of species requirement is incomplete and should be withdrawn.


In any event, claims 1-4, 7, 8 and 10-12 not only read on the elected species but are generic. Therefore, allowance of any of these claims should entitle Applicants to consideration of claims two additional species which are written in independent form or otherwise include all of the limitations of an allowed generic claim.

Examination of the subject application in due course is requested.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 503.43626X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP


Alan E. Schiavelli
Registration No. 32,087

AES/at
(703) 312-6600